
HOUSE BILL No. 1654

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-3; IC 11-11-6-1.

Synopsis: AIDS testing in prisons. Requires the department of correction to examine a person committed to the department of correction for the human immunodeficiency virus (HIV) infection and acquired immune deficiency syndrome (AIDS). Requires the department of correction to develop and implement an informational program for a person committed to the department of correction who tests positive for the human immunodeficiency virus (HIV) infection or acquired immune deficiency syndrome (AIDS).

Effective: July 1, 2001.

Harris

January 17, 2001, read first time and referred to Committee on Human Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1654

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) An individual
3 committed to the department shall be immediately examined for:

- 4 **(1) the human immunodeficiency virus (HIV) infection;**
5 **(2) acquired immune deficiency syndrome (AIDS); and**
6 **(3) communicable diseases and conditions;**

7 by qualified medical personnel under the direct supervision of a
8 physician. New admittees shall be segregated from the general
9 population of a facility or program to the extent required by acceptable
10 medical practice and standards until this examination is completed.

11 (b) Within fourteen (14) days after commitment to the department,
12 an individual shall be given the opportunity to receive a thorough
13 medical and dental examination conducted according to acceptable
14 medical practices and standards. All subsequent routine medical or
15 dental examinations shall be scheduled by direction of a physician or
16 dentist.

17 (c) A confined person is entitled to:



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- (1) medical care, medical personnel, and medical facilities of a quality complying with applicable state licensing requirements;
- (2) first aid or emergency medical treatment on a twenty-four (24) hour basis; and
- (3) mental health care by a psychiatrist, a psychologist, or another mental health professional.

(d) A committed person may not prescribe, dispense, or administer drugs or medication.

SECTION 2. IC 11-10-3-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. If a person who is tested under section 2 of this chapter tests positive for the human immunodeficiency virus (HIV) infection or acquired immune deficiency syndrome (AIDS), the department shall run a confirmatory test. If the confirmatory test is positive for HIV or AIDS, the department shall:**

- (1) notify the person of the results of the test;**
- (2) place the person in a program under IC 11-11-6-1(a)(7);**
- (3) report to the state department of health under IC 16-41-2-3; and**
- (4) inform the person diagnosed of the person's duty under IC 16-41-7-1.**

SECTION 3. IC 11-11-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The department shall adopt policies and procedures for the protection of committed persons, including:

- (1) the monitoring of committed persons whose presence in the general population of a facility or program constitutes a threat of physical danger to other persons;
- (2) reasonable searches of committed persons, facilities and premises to reduce the number of weapons and dangerous items;
- (3) adequate staff supervision of committed persons, including living quarters;
- (4) maintenance of accurate records regarding incidents of violence;
- (5) referral of serious criminal conduct to investigating and prosecuting authorities with appropriate information; ~~and~~
- (6) policies and procedures designed to reduce racial tension; ~~and~~
- (7) a program for all persons committed to the department of correction who test positive for the human immunodeficiency virus (HIV) infection or acquired immune deficiency syndrome (AIDS). The program must address the following:**
 - (A) General information and education about HIV and**

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(B) Information about how HIV and AIDS are contracted and spread.

(C) Information about health risks associated with HIV and AIDS.

(D) Information about health care and treatment options for a person with HIV or AIDS.

(E) Information about entities and qualified medical personnel that provide support or treatment in the community where the offender will reside upon release from the department of correction.

(F) Any other information the department determines is relevant to the education, support, or treatment of the person.

(b) For purposes of IC 4-22-2, the terms "policies" and "procedures" as used in this section relate solely to internal policies and procedures not having the force of law.

SECTION 4. [EFFECTIVE JULY 1, 2001] The examination of a person for the human immunodeficiency virus (HIV) infection and acquired immune deficiency virus (AIDS) required by IC 11-10-3-2(a)(1) through IC 11-10-3-2(a)(2), as amended by this act, applies to a person committed to the department of correction after June 30, 2001.

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